

NO. 2:10-CV-36-FL

ORDER

On September 14, 2010, the court issued its initial order wherein the court noted that claimant was not in compliance with Local Civil Rule 83.1 where Kirschner was apparently not admitted to practice law in North Carolina and this district, and where there was no association of local counsel. On October 26, 2010, the court, noting continued noncompliance with Local Civil Rule 83.1, directed counsel to show cause why his client's claim should not be dismissed. On

December 9, 2010, Geoffrey Simmons ("Simmons") filed a notice of appearance on behalf of claimant.

On February 3, 2011, the government filed the instant motion to compel and motion for extension of time to complete discovery. In said motion, the government informs that it served claimant, through Kirschner, with its first set of interrogatories and request for production of documents on November 19, 2010. On January 6, 2011, the government advised Simmons as to the lack of response to the discovery requests, and solicited a response. The government informs that Simmons has failed to respond to the government's requests, and that the discovery requested has not been produced by claimant.

Upon its review, the court finds good cause to ALLOW the motion to compel, and ORDERS claimant forthwith and in any event not later than twenty (20) days from date of the entry of this order to comply with the government's discovery requests. Claimant shall make his responses under oath. Additionally, in light of claimant's noncompliance with discovery requests which has delayed proper discovery, the government's request for a sixty-day extension of the discovery period, up to and including April 15, 2011, shall be ALLOWED.

SO ORDERED, this the 7<sup>th</sup> day of March, 2011.

  
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LOUISE W. FLANAGAN  
Chief United States District Judge